The 'Writings' in the Hellenistic-Roman Period

The "Writings" in the Hellenistic and Roman Period

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Abstract

There is no ancient account that describes the process leading to the formation of the third section of the canon known as the "Writings" (*kethuvim*). Scholarly views are built up from inferences drawn from evidence of ancient sources. This chapter will critically review scholarship on the formation of the traditional canon of the Hebrew Bible or Old Testament as a whole, with particular emphasis on the emergence of the collection of books that make up the third section of the canon. It will suggest that the collection of "Writings", especially the psalms, emerged in the Hellenistic-Roman period. While the books of the "Writings" remained more or less stable, their classification and order varied from one source to another.

Keywords: Writings, Yavneh, Temple, canonical lists, psalms

It is important from the outset to recognize that the present subject is not about the composition and date of individual books of the "Writings", but the emergence of the third part of the traditional canon. When did the diverse books of the "Writings" coalesce into a collection? Did the "Writings" form only after the second part of the canon, "the Prophets", closed? Was the book of Daniel placed in the third category because it could not be added to the second part that was no longer open? What process led to canonization of the tripartite Hebrew Bible, and in particular the third division?

In the following, I will argue that in the Hellenistic-Roman period (323 BCE to 640 CE) the third part of the canon emerged. We do not know the process that led to the canonization of the third division, but we do have datable lists of the books of the "Writings". These lists varied in their classification and ordering of the books of the "Writings", and there was no one basic list. The classification and enumeration of the books of the "Writings" differed from one ancient source

to another, but the content of the third canonical section remained stable, with the holy status of only a few books (notably Qohelet and Song of Songs) being questioned by some rabbis.

I will also argue that the priests of the Temple did not serve as a "council" by another name to prescribe the books of the canon; the canonization of the Hebrew Bible emerged from the ground-up as each community defined its own understanding of authoritative scriptures. The Pharisaic canon became the traditional canon of Judaism, because the Pharisaic sect formed the majority of those who re-founded the religion, Rabbinic Judaism, after the destruction of the Temple in 70 CE.

Finally, I will argue that the communities reflected in the Dead Sea Scrolls understood the Psalms as authoritative scriptures. There is no evidence that the sectarians cited as authoritative the text-type of the Great Psalm Scroll (11Q5), but they did consider the Psalms as authoritative scriptures.

Yavneh and the Writings

The traditional Jewish canon includes twenty-four books: five of the Torah, eight of the Prophets, and eleven of the Writings. Between the late nineteenth and the latter half of the twentieth century, scholarly consensus held that the canon of the Hebrew Bible was closed in three stages, the Torah or Pentateuch in the fifth century BCE, the books of the prophets in the third or fourth century BCE, and books of the Writings at Yavneh (alternately spelled "Javneh) or Jamnia in 90 CE (Ryle 1892).

At the end of the first century CE, it was thought that a "synod" of Rabbis decided on the books of the canon. This gathering was labelled a "council" even though the term is not used in Rabbinic literature. It describes the gathering as a *beth din, beth ha-midrash, yeshiva, methivta, or kerem*, but Rabbinic literature does not call it a 'synod' (Lewis 1964, 2002). The label, suggested by Heinrich Graetz, was clearly modelled on the Christian "Synode" that considered, among others things, which books are to be included in the Old Testament (1871: 147-73). Setting aside this anachronism, many scholars nonetheless considered the end of the first century an important moment in the eventual closing of the canon. It was at Yavneh that the first generation of Rabbis declared: "all holy scriptures defile the hands" (*m.Yad* 3:5).

The meaning of the "defilement of the hands" is enigmatic and, not surprisingly, debated, for how could "holy scriptures" make the hands impure? The principle states that scriptures are holy because they cause defilement. Non-canonical books like the epics of Homer, the Gospels, other heretical compositions, and the Wisdom of Ben Sira do not impart impurity (*m.Yad*. 4:6; *tYad* 2:13).

The principle has been variously understood to refer to the impurity caused by rodents (Leiman 1976: 115-17), the safe-guarding from misinterpretation of the religious practice of parading the Torah scroll in the synagogue (Goodman 1990), and the withdrawal of books that do not contain the Tetragrammaton (Barton 1986: 68-71; 1997: 108-21; and 2005: 1-7). I have suggested that "holy scriptures" were considered sacred objects that had the ability to transmit a sacred contagion. A *sepher* or book that has the ability to

make a person (symbolized by "hands") impure is considered a *ketav qodesh* ("holy scripture") (Lim 2010; see now Baumgarten 2016).

Notwithstanding the absence of an explanation of *tum'at yadayim* ("defilement of the hands") in Rabbinic literature, it was thought that the formulation implies that a canon has been substantially defined, if not yet determined, since the *mishnah* states that "all scriptures" make the hands impure. The ensuing debate is about the canonical status of just two books, the Song of Songs and Qohelet.

The tradition about Yavneh is thought to be before 200 CE, the supposed date of the editing of the Mishnah by Rabbi Judah Ha-Nasi. How far back the tradition of *tum'at yadayim* goes is a matter of debate. In the past, the dating was thought to depend on the interpretation of the saying of R. Simeon ben Azzai (135-170): "I have heard a tradition from the seventy-two elders on the day that they seated R. Eleazar b. Azariah" (110-135) in the academy (mYad 3.5)." This saying was understood to refer to Eleazar's instalment at the head of the academy at Yavneh. The historical context, so it was argued, was the temporary deposition of Gamaliel II by replacing him with Eleazar as institutional head (cf. yBerkhot 4.7). The phrase "on the day" seemingly referred to the session when this took place.

Sid Leiman, however, has argued that "on the day" is not a historical reference, but a Rabbinic technique that introduces the sequential discussion of halakhot on the same day (1976: 122). Philip Alexander went further and questioned the historicity of the entire account, doubting any truth behind the deposition of Gamaliel. For him, the mishnah is redactionally composite and the reference to the instalment of Eleazar is tautological. Alexander argued that the

"seventy-two" refers to the Sanhedrin and the whole tradition goes back to an unspecified occasion before 70 when the holiness of the Song of Songs and Qohelet was debated (2007: 64).

If Alexander is correct, then most of the books of the Hebrew Bible was already considered "holy scriptures" before the destruction of the Second Temple. A decision was subsequently taken that the two books of the Song of Songs and Qohelet likewise defiled the hands. The decision, however, settled nothing as the Rabbis continued to dispute the holiness of not just these two books, but other books of the Writings as well (Ezekiel, Proverbs, Esther, Ruth, and Wisdom of Ben Sira) for years to come. We do not know when the Rabbinic canon was finally closed, but a rough estimate of between 150 and 250 would not be far off the mark (see Lim 2013b:180).

The Earliest Lists of the Books of the Writings

Mishnah Yadayim does not enumerate the books of the canon. It assumes that the intended readers would have known what were the books of "holy scriptures". In the first century CE, two canonical notices likewise lack the specificity of book-names. 4 Ezra 14:45-48 did not detail the 24 books of its public canon. In *Against Apion* 1.38-41 Josephus refers to the 22 books of the canon, divided into 5 books of Moses, the 13 books of the prophets, and the 4 remaining books. The books of the third category include hymns to God and moral instructions, but Josephus does not say what they are. There have been several attempts to correlate these four remaining books with the eleven books of the "Writings", but they are no more than educated guesses.

One of the difficulties lies in the fact that some of the books included in the traditional list of the "Writings" may have been considered "prophetic", so the inclusion of a book, like Daniel or the Psalms, in the third category would be open to question (e.g. the sectarian communities considered Daniel prophetic in 4Q174 and 11QMelch, and David was thought to have composed numerous psalms and songs by prophetic inspiration according to 11Q5. The author of Luke-Acts considered all scriptures to some extent prophetic [see below and Lim 2010; 2013a: 129-31; 162-67]).

The earliest list of the books of the "Writings" in Rabbinic literature is found in the Babylonian Talmud, *Baba Bathra* 14a-15b, dating to around 200 CE. The Pentateuch is not mentioned, but assumed. The order of the books of the prophets agrees with the traditional order in the listing of Joshua, Judges, Samuel, and Kings and the last three Minor Prophets, Haggai, Zechariah, and Malachi. The other prophetic books differ in order or are not mentioned. The books of the "Writings" agree with the traditional list in content but not order.

The Talmudic text mentions two principles of ordering the books, the chronological and the thematic criterion, but states that the latter has priority over the former. The *baraita* (a text cited in the Babylonian Talmud that is thought to be from the time of the Mishnah, but not included in it) notes that Job lived in the days of Moses and therefore his book should have come first in the order, presumably along with the Torah of Moses. But the order of the books of the Writings is arranged thematically and does not begin with suffering. The book of Ruth, which is at the head of the list, is also a record of suffering, but it is a suffering that ends with happiness.

The Orders of the Books of the Writings

A recent survey by Julius Steinberg and Timothy Stone has argued that the order of the Writings "was not arbitrary but meaningful" (Steinberg and Stone 2015: 37). The conclusions draw on the previous work of the two scholars. Julius Steinberg had argued that the *kethuvim* as enumerated in *Baba Bathra* can be divided into two sub-collections of *Weisheitliche Reihe* (Job, Proverbs, Qohelet and Song of Songs) and *National-historische Reihe* (Lamentations, Daniel, Esther and Ezra-Nehemiah; 2006: 444-54). The MT order of the first series, it is claimed, is the same, but admits several variations and exceptions. Specifically, the order of Ruth, Proverbs, Song of Songs, Qohelet, Job and the Psalms attests to a limited variation. Likewise, the second series is the same in the Talmudic text and the Masoretic codices of Leningrad, Aleppo and Cairo, framed by the books of Lamentation and Ezra-Nehemiah. However, Daniel, Esther, the Psalms and Chronicles vary in order.

Timothy Stone built on Steinberg's analysis and focused on the sub-collection of the *Megillot* (Song of Songs, Ruth, Lamentations, Qohelet and Esther) within the Writings (2013). He argued that the collection of *Megillot* stands between the wisdom and national-historical series. These books were "purposefully arranged", except for the the book of Ruth that is variously located between Judges and Samuel in the LXX, after Proverbs in the MT, and after the Psalms in Baba Bathra.

Most scholars understand the collection of the Writings as an anthology of miscellaneous texts. Steinberg and Stone have called attention to the possible significance of the order of the books of the Writings in the Talmudic and post-

Rabbinic period to the emergence of the great codices of the Masoretic tradition. Commenting on *The Shape of the Writings*, John Barton states: "The study of the arranging of the Writings belongs to the history of the reception of the biblical texts, mainly in the Middle Ages" (2015: 314).

The Evidence of the Wisdom of Ben Sira

Steinberg and Stone, however, also want to argue that the one basic order (with limited variation) of the books of the Writings can be traced back to the Second Temple period when the canon was formed. Roger Beckwith previously suggested that the list of the order of the Prophets and Writings in Baba Bathra originated with Judas Maccabee (1985: 153, 165). According to Steinberg and Stone, the tripartite canon was closed in the second century BCE and they see great significance in the Prologue of the Wisdom of Ben Sira and its description of "the law", "the prophets" and "the other books". They argue that "[t]he use of the definite article in reference to all three sections indicates that each group is considered to be part of the same whole" (2015: 12).

But they do not discuss the Prologue in relation to the grandfather's own description of the syllabus of the scribe. The Prologue was written by the grandson. The definiteness of the three divisions in the Prologue is required by the grammar and not indicative of a closed, tripartite canon. The grandson meant that his grandfather had studied the content of the books as specified in Sira 39:1-3, and not that it indicated a closed tripartite canon. The definiteness is a reference to *the* books mentioned in the scribal syllabus. The link is explicit in the expression "having devoted himself" in the Prologue and 39:1-3. In the

Prologue, "the other books of our ancestors" is a summary of everything else apart from the law and prophets, including Jesus ben Sira's own book of wisdom (Lim 2013a: 97-102).

Moreover, the use of biblical sources in Ben Sira does not support the view that it is the same as the putative basic list of Steinberg and Stone. In Sir 44-50 the scriptural basis of "the praise of the fathers of old" is broadly consistent with the books of the Pentateuch and prophets, but adapted for Ben Sira's own purposes. The reprising of Enoch, Joseph, Shem, Seth, and Adam in Sira 49:14-16b is a rhetorical strategy that prepares for Ben Sira's own description of the Oniad Simon whom he admires (50:1-21). As for the books of the Writings, the scholarly consensus is that Ruth, the Song of Songs, Esther and Daniel are unattested in the Wisdom of Ben Sira (Rüger 1984: 69; Beentjes 2003: 122-33).

Steinberg and Stone's claim that the basic order of the Writings was already established in the second century BCE in the Prologue of Ben Sira is open to question. It is curious that they do not discuss the earliest canonical lists preserved in Christian tradition that show that the books of the Writings had not been fixed in one order.

The Different Classifications and Orders of the Earliest Lists

The church fathers defer to Jewish tradition in their enumeration of the books of the Old Testament. Origen, in his introduction to his commentary on the Psalms (dated some time before 232), states there are twenty-two canonical books "according to the Hebrew tradition" and he lists them according to their Hebrew titles, Greek transliteration and translation (see Eusebius, *Ecclesiastical History*

6.25). Absent in the list is the Twelve Minor Prophets, counted as one book, and it is likely that Origen omitted it by mistake (Hengel 2002: 63) or that Eusebius was using a defective manuscript. The Minor Prophets were subsequently reinstated by Rufinus (345-410) who translated Origen's works into Latin, and by Hilary of Poitiers (315-367) who followed Origen closely in his commentary on the Psalms. Origen's list agrees in content with Baba Bathra's enumeration, where the books may be compared, but it does not section the books into a tripartite structure, and the books of the Writings are dispersed throughout the single list.

Jerome (c. 342-420), in his preface to the *Prologue to the Books of Samuel and Kings*, discusses the three ways of counting the books of the canon in relation to the characteristics of the Hebrew alphabet. He also mentions the books of the Apocrypha, but they are not to be included in the list. The count of 22 books is related to the "elementary sounds" of the language. The count of 27 books is derived by an appeal to a distinctive feature of the Hebrew alphabet. Just as five letters of the Hebrew alphabet (Caph, Mem, Nun, Phe, Sade) "are double letters" (meaning that they are written differently in the final and medial positions), so too there are five books of the canon that may be reckoned as either single or double, namely 1-2 Samuel, 1-2 Kings, 1-2 Chronicles, Ezra-Nehemiah, and Jeremiah with Kinoth (or Lamentations). A third count of 24 books separates Ruth and Lamentations from Judges and Jeremiah respectively and places them in the Hagiographa.

The Jewish canon, whether it be counted as 22, 24 or 27 books, has the same books as Baba Bathra, so far as they may be compared. Like the list of Baba Bathra, Jerome's canon is divided into a tripartite structure of the Law, the

Prophets, and the Hagiographa. But the order of the books of the Hagiographa (Job, Psalms, Proverbs, Ecclesiastes, Song of Songs, Daniel, 1-2 Chronicles, Ezra-Nehemiah, and Esther) is not the same. The order of the books is a secondary feature; what counts as canonical is the book and not its putative place within the "Writings" (see the tables in Lim 2013a: 191-2; and the discussion of the lists in 35-41).

Melito (died c. 190) offers yet another order of the books of the Writings (see Eusebius, *Ecclesiastical History* 4.26). It seems that the bishop of Sardis had investigated the canon in response to a query from "his brother" (perhaps a fellow bishop) Onesimus about the number (*arithmos*) and order (*taxis*) of the books of the Old Testament. Onesimus had asked Melito for extracts of passages from the Old Testament that testified to Jesus, but he also wanted to know "accurate facts about the ancient writings". One infers that there must have been some doubt both about the books that make up the Old Testament canon, and the order in which they are enumerated, in the second century.

Melito had "travelled east", presumably to Palestine from Sardis, describing his destination as "the place where these things were preached and done". He had "learnt accurately the books of the Old Testament" and wrote back to Onesimus, enumerating the list of books. He divided his list into two parts, distinguishing the Pentateuch as "the first five books of Moses" and "the prophets". Absent from the list are Nehemiah, Lamentations, and Esther. It may be that he counted Nehemiah with Ezra and Lamentations with Jeremiah, but Esther is not mentioned. The order of the third and fourth books of the Pentateuch is Numbers-Leviticus rather than the traditional order of Leviticus-

Numbers. The list of the books of the prophets (Isaiah, Jeremiah, The Twelve, Daniel, Ezekiel, Esdras [=Ezra]) is placed at the end.

Between the law of Moses and the books of the prophets is an undifferentiated series of books that derive from the traditional sections of the Prophets and Writings (Joshua, Judges, Ruth, Reigns in four parts [= 1-2 Samuel, 1-2 Kings], Chronicles in two parts [= 1-2 Chronicles], Psalms, Proverbs, Ecclesiastes, Song of Songs, and Job). Melito's list does not attest to a basic order of the Writings as argued by Steinberg and Stone.

Finally, there is the Bryennios' list that is probably genuine and early. There is debate about the historical authenticity and dating of this canonical list written in Aramaic and Greek and inserted between the Second Epistle to Clement and the Didache in manuscript P.Bryennios. It enumerates the 27 books of the canon in one undifferentiated list with an order that has been described as "haphazard" (Audet 1950: 150-51).

The order of Joshua-Deuteronomy-Numbers could be explained by a scribal error of reading bi-directionally (*boustrophedon*). The scribe copied Genesis-Exodus-Leviticus, from left to right, and at the end of the line read the next line from right to left, thus mistakenly ordering the books as Joshua-Deuteronomy-Numbers rather than Numbers-Deuteronomy-Joshua. The order of the books of the prophets is recognizable in part, but no other list agrees with the order of Jeremiah, the Twelve Minor Prophets, Isaiah, Ezekiel, Daniel and 1-2 Esdras.

The order of the books of the Writings is anomalous, if it is heuristically compared to the MT-order. The books of Ruth, Job, and Psalms come after Numbers and before the historical books (1-4 Kingdoms, 1-2 Chronicles). Judges

is found between Job and Psalms. Then Proverbs, Ecclesiastes, and Song of Songs come after the historical books, but before Jeremiah. Daniel takes the twenty-fourth position, between Ezekiel and 1 Esdras or Ezra, and Esther is the last book of the list. The order of the books of the "Writings" does not support the basic list argued by Steinberg and Stone.

Jean-Paul Audet dated the Bryennios list, which he calls "the Jerusalem manuscript", to the second century CE (1950: 143-44). Lee McDonald cautiously dates the list to the fourth century CE because of its similarity to Epiphanius' list (2007: 203-4). There is no doubt of the similarities between the two lists, but the scribal error in the transliteration of the Greek name of Leviticus is an *error significativus* ("a significant error") in the text-critical sense of the word and shows that the two lists likely derived from a common source, and that the Bryennios list is not dependent on Epiphanius' list (see Lim 2013a: 43).

The earliest lists of the canonical books do not reflect one basic arrangement, but several orders of the books of the "Writings". One can infer possible principles at work in the various arrangements, but there is no one basic order that can be discerned without also admitting numerous exceptions.

The Temple was not a "Council"

The search for a basic order of the Writings is a scholarly reflex to understand the canonical process. There is no ancient account of how the canon was formed, so scholars often look to the Jerusalem Temple as the locus of the canonizing process (Lim 2013a: 21-34). This tendency continues in Steinberg and Stone's survey as they see the sacred archive in Jerusalem to have kept all the books of

the "Writings" and of the canon as a whole. They point to the features of the Temple represented in synagogues as an example of the influence of the cultic centre (2015: 39-40).

The symbol of the Temple is indeed used in synagogues today to represent sacred space. It was found in the Mishnaic principle that "holy scriptures defile the hands". I have previously argued that the Song of the Ark in Num 10:35-6, which is sung when the Torah scroll is brought out, was not only used as a halakhic minimum to define a "sepher" or scroll, but it also provided the clue to understanding the Rabbinic concept of *tum'at yadayim.* For the Rabbis, "holy scriptures" were considered objects of the Temple that had an ability to transmit sacred contagion (Lim 2010).

Al Baumgarten has recently interpreted the defilement of the hands from legal, historical and anthropological perspectives, hypothesizing a scenario where the Pharisees took the Torah scroll out of its niche and beyond the sacred precincts of the Temple to the people. By doing so, they created an anomaly of the sacred in the profane, requiring a halakhic solution and the practice of washing the hands after touching the scripture (2016).

The Temple of Jerusalem did not function as a council by another name to define the books of the Jewish canon. There was no "official canon" in the way that has been suggested by previous scholarship. The ark (*'aron*) of synagogues housed just the Torah scroll, and not all the books of the Jewish canon. There were books kept at the Temple for liturgical purposes and a rudimentary form of textual criticism, but there was no "top-down" prescription of the list of books of the canon by the Jerusalem priesthood.

There were, to be sure, books kept in the Temple store room. Josephus informs us that the books of the Torah and Psalms were kept at the Temple (cf. *War* 7.148, 150, 162; *Life* 418; *Ant*. 12.323), but there is no evidence that the archive served as the locus of canonization. Important books other than the biblical books (such as lists of priestly genealogies) were deposited at the Temple for consultation and safekeeping (Josephus, *Apion* 1.34-36; cf. *War* 2.427; 6.354; *Life* 1.6). Conversely, holy books were deposited in the synagogues and not just at the Temple (Josephus, *Ant*. 16.164). The book discovered in the time of Josiah (2 Kgs 22) was not a collection of books of an incipient canon, but one book of reform, which is to be identified with a version of Deuteronomy (*Urdeuteronomium*) (Lim 2013: 31-34).

The view that 2 Maccabees 2:13-15 attests to a "library" under Judas Maccabeus is untenable and is based on a misinterpretation of of v. 14. The verse is usually translated: "In the same way Judas also collected all the books that had been lost on account of the war which had come upon us". This rendering compares Judas' actions to v. 13 where it is stated that Nehemiah founded a library. The common way of understanding verse 14 overloads the comparative adverb "in the same way" (*hōsautōs*). The comparison should not be understood as Judas founding a library.

Rather, it refers in a general way to Judas' collection of books. Judas did not establish a library; he collected the books that had been damaged in the war of Antiochus Epiphanes whose messengers and soldiers tore the books of the law into pieces, cut them up, and burnt them (1 Macc 1:56). Verse 14 should read: Judas had also collected "all the books that had fallen to pieces (*diapiptō*) on

account of the war". It refers to Judas' gathering of the partially destroyed books in order to give them back to the people (Lim 2013: 113-18).

The Theory of the Majority Canon

The Jewish canon formed organically from the "bottom-up" as each community constructed its own understanding of scriptures. Before the first century, and the appearance of the implied list in Josephus, it is better to describe these collections of writings as "authoritative scriptures" rather than "canon". The exiles who returned to Yehud in the Persian period had a "torah" that was more or less consistent with the Pentateuch, but it also included the book of Joshua. The Israelite Samaritan community held the Pentateuch, and possibly Joshua, as their collection of authoritative scriptures (Lim forthcoming 2017). In the Hellenistic period, the Alexandrian community, as evidenced by Philo's retelling of the *Letter of Aristeas* in the *Life of Moses*, attributed to Ptolemy Philadelphus the project to translate from Hebrew to Greek the five rolls of Moses (Lim forthcoming 2017).

The sectarian communities reflected in the Dead Sea Scrolls had a notion of authoritative scriptures that included the traditional writings of the books of Moses, different prophetic collections (the minor prophets, Samuel-Kings, etc), and the psalms. But they also considered other writings (the book of Jubilees, Enoch, pesharim, Hodayot, the Rules, etc) authoritative. I have described the concept as a dual pattern of traditional writings and sectarian compositions, characterized by a graded authority on a sliding scale of importance (Lim 2013: 146-47).

The traditional Jewish canon is identical with the canon of Rabbinic Judaism. This canon was the canon of the Pharisees who were a sect or school of philosophy in the late Second Temple period. Their fortunes and influence ebbed and flowed over time and under various religious and secular authorities. By the end of the first century CE they had become influential and were the majority of the members who re-founded Judaism after the destruction of the Second Temple by the Romans in 70. The Pharisaic canon is evidenced in Josephus' 22 book canon, 4 Ezra's 24 book public canon, and is consistent with Paul's implied use of scriptures (Lim 2013b).

The Psalms as Authoritative "Writings"

There is one book of the "Writings" that stands out in the late Second Temple period literature. Luke 24:44 refers to "the psalms" along with "the law of Moses" and "the prophets". The reference has been interpreted by many as another way of describing the tripartite canon, "the psalms" representing *pars pro toto* ("a part reprenting the whole") of the "Writings". A much debated passage, the verse does attest to at least a tripartite canon, but not in the way often thought. Verse 44 should be understood together with the previous verses 25 to 27 of the same chapter where the Lukan Jesus began to interpret all the scriptures to Cleopas and his companions concerning himself. The participial clause ("beginning from" of v. 27) points to a third category beyond "Moses" and "the prophets". It implies that there is at least a third division of scriptures beyond the books of the law of Moses and the prophets (Lim 2013a: 62-65).

A complicating factor is that the author of Luke-Acts also considered all scriptures in some sense prophetic. In Luke 24:25-26, he described "all the scriptures" synonymously with "all the prophets". Acts 3:22 quotes Deut 18:15 and the raising up of a prophet like Moses. In Acts 3:11-4:4, Peter speaks to the crowd and identifies Moses as a prophet. Elsewhere I have suggested that one way of reconciling the different uses of "prophet" and "prophetic" is to postulate that for the author of Luke-Acts all scriptures were by nature prophetic, but they were not all included in the second division of the canon. That he maintained categories of the books of "Moses", "the prophets" and a third, unnamed category suggests that by the end of the first century the scriptural books had been differentiated into at least three canonical divisions (Lim 2013: 162-65).

The Psalms Scrolls Reconsidered

The psalms were also regarded as authoritative "Writings" among the sectarian communities reflected in the Dead Sea Scrolls. In the context of a discussion of canon formation, it is important to differentiate the evidence of the Dead Sea Scrolls that attests to manuscripts containing one or more psalms from that which shows the sectarian's regard for the authority of the psalms. The community's understanding of the authority of a text is a *sine qua non* ("a necessary condition") in canon research. It is essential, since the question of authoritative scriptures implies a community. Authority does not exist as a free floating concept, independent of community life. The question of authority must be qualified by "authoritative for whom?"

It is often claimed that the book of psalms is one of the three most popular books among the heterogeneous collection of manuscripts known as the Dead Sea Scrolls. The other two books are Deuteronomy and Isaiah. There is a great variety amongst the forty odd scrolls classified under the rubric of "a psalms scroll": some follow the MT-order of a series of psalms (e.g. Pss 116-118 in 4Q96); others contain just one psalm (e.g., Ps 119 in 4Q89, 4Q90 and 4Q5); yet others occur in non-MT order (e.g. Pss. 135→99 in 4Q92) and/or include non-MT psalms (e.g. 4Q88, 11Q11) (see Flint 1997, 2000).

Recently, Eva Mroczek drew attention to the textual fluidity of the psalms scrolls to question "the primacy of the book of Psalms" (2016: 26-33). Using the psalms scrolls as one of her case studies, she criticizes the bibliocentric nature of previous scholarship and questions the concept of "Bible" and "book", which she incongruously calls "bibliographic", in ancient Judaism. This is a good point, but it is overstated. Issues of textual fluidity and canon need to be clearly distinguished, and the centrality of the biblical texts in Second Temple literature is unquestionable. On virtually every page of ancient Jewish writing, with the possible exception of some Hellenistic Jewish compositions, the authority of the biblical narrative and traditions is evident.

Ancient Jews did not have a term for "canon", but they did have the concept. When Jews used titles such as "the book of Moses", "the books of the prophets" or "the psalms of David", they implied a collection of writings, which is an essential feature of canon. When the Rabbis proscribed "the outside books", they must have known what were the inside books, but they did not call them "inside books". They called them *kitvey ha-qodesh* or "holy scriptures". When the

Tannaitic rabbis debated whether Qohelet and the Song of Songs were holy writings, they must have known which books "defiled the hands".

It is important to reconsider whether all scrolls classified under the category are indeed "psalms scrolls". Were they instead excerpts of psalms for liturgical purposes? Are they "psalms scrolls" in a non-MT sense? The traditional psalter contains 150 psalms and is divided into five books: I (psalms 1-41, most of the 'Psalms of David' are in the section), II (42-72, some psalms of Korah and Asaph), III (73-89, almost exclusively psalms of Korah and Asaph), IV (90-106, mostly untitled psalms) and V (107-150, mostly liturgical psalms of pilgrimage). The division into five books was done to parallel the Pentateuch ("Moses gave the five books of the Torah to Israel and David gave the five books of Psalms to Israel" *Midrash Shoher Tov* 1.2). It is an artificial division and a late development.

The need to reconsider our categories is most acutely felt in the debate over the Great Psalms Scroll as a "true psalter" or liturgical collection. 11Q5 is a scroll approximately five metres long, paleographically dated between 30-50 CE, and included 39 psalms from books four and five of the traditional psalter, but in different order. Included within it are non-MT psalms (e.g. Ps 151 LXX; Syriac Psalms), non-canonical psalms (e.g. hymn to the creator), and a prose composition in col. 27.

James Sanders, the editor of the scroll, at first argued that there were several versions of the psalter, and the Great Psalms Scroll (11Q5) was one of them. 11Q5 was a true psalter that the Qumran community took with them when they separated from mainstream Judaism to live in the wilderness. The sectarians added Hasidic and proto-Essene poems to this true psalter.

Meanwhile the Jerusalem establishment stabilized this same third portion and promulgated the official version of the Psalter that eventually became the received MT-Psalter (1968).

There is some confusion about Sanders' views, since he seems to have changed his mind (compare his views 1968 and 1993). At first, he argued that 11Q5 was the Psalter of the Essenes. Arguing this way meant that he was in effect advocating a sectarian psalter. But he later clarified his views by suggesting that 11Q5 was a true psalter that the sectarians happened to have taken with them. The authenticity of the true psalter is shown by the emphasis on the Davidic authorship at the end of the scroll. His later view understands the features of 11Q5 not to be indicative of a secondary, sectarian collection. Rather they attest to the fluidity of the last third of the psalter that had a different order in comparison to the MT-Psalter and included non-canonical material.

Sanders' views, which Peter Flint calls "the Qumran Psalms Hypothesis" (1997: 202-27), have been criticized by several scholars (including Moshe Goshen-Gottstein, Shemaryahu Talmon, and Patrick Skehan). They objected to Sanders' thesis on the assumption that the MT-Psalter was the orthodox psalter that had already been compiled in the fourth century BCE. For them, 11Q5 was not a "psalm scroll", but a secondary liturgical collection, derived from the MT-Psalter. These criticisms of the Qumran Psalms Hypothesis assume that the order of the MT-Psalter was standard. Some of the arguments about the liturgical features of 11Q5 are puzzling, for what is a psalter if not a liturgical composition.

The debate about the Psalms Scroll has moved away from the view that it was a sectarian collection. This change has weakened rather than strengthened

the case for its authoritative status within the Essene communities. If 11Q5 had indeed been imported into the community and reflected a version of the psalter at the time, then its link to the community would appear to be more tenuous.

The collection of manuscripts, known as the Dead Sea Scrolls, used to be considered a sectarian "library". It is now widely recognized that the Dead Sea Scrolls is a heterogeneous collection of texts derived from different sources and deposited in the caves at different times (Lim and Collins 2010: 2-3). The biblical scrolls, for instance, were not sectarian versions of the scriptural texts, but the authoritative scriptures of Judaism in general. Like the biblical texts, then, 11Q5 would be one version of the psalter in the late Second Temple period, and not necessarily the Psalter of the Essenes.

The Authority of the Psalms in Sectarian Scrolls

There is no evidence that the sectarian scrolls cited the 11Q5 version of the psalter, but they did cite the psalms as authoritative scriptures (Lim 2013: 126). There are three pesharim to the Psalms (1QpPs, 4QpPs^{a}, and 4QpPs^{b}) that provide sectarian interpretations of verses from Pss. 68, 37, 45, 60 and 129 (Lim 2002: 16). There is evidence that the authorship of the psalms was attributed to David and the psalms were considered a collection.

There is much debate about the significance of a line found in the scroll 4QMMT or "some precepts of the torah". As reconstructed by the editors Elisha Qimron and John Strugnell, the Composite Text, section C, line 10 reads: "We have [written] to you so that you may study (carefully) the book of Moses and the books of the Prophets and (the writings of) Dav[id]" (1994: 59, 93-94; 111-

12). Most scholars accept the reconstruction, which is based on 4Q398, but there is debate over the gloss of "the writings of David". The editors believed that this was evidence of the *Kethuvim*, but the phrase (*be-david*) is ambiguous; literally, it reads "in David" or simply "David". The context of the Admonitions section of MMT suggests that it refers to the deeds of David or the example of David. The we-party is admonishing the you-party to consider the books of Moses and the books of the prophets, whence the story of the lives and deeds of Israel's kings, and especially those of King David are found (Lim 2001: 35-37; 2013: 127-28).

Better is the evidence from 11QMelch, often described as a thematic pesher. In it, Ps 82:1 is cited with an introductory formula reserved for the biblical texts, "as it is written" (11Q13 1:10). By proof-texting the scriptures, the author or redactor of 11QMelch wants to show that the psalms spoke of the enigmatic figure of Melchizedek, as it indeed does in Ps 110. Notable is the formulation, "concerning him [i.e. Melchizedek] in the psalms of David". The Hebrew construct is best understood as a genitive of authorship, "the collection of songs written by David". The plural "songs" (*shirim*) evidences the psalms as a collection.

Finally, there may be a reference to "the book of psalms". In 4Q491, a version of the War Scroll, it reads *sepher ha-tehilim*. The immediate context has been lost, so it is uncertain as to what it refers. It is possible that it refers to the scriptural psalms or one of the non-biblical songs and psalms that were sung in the eschatological battle ("hymn of return", 14:2, or "the hymn of God", 4:1; so Mroczek 2016: 33-34). It could be both, of course. It is not inconceivable that the sectarians cited phrases from the biblical psalms on their banners as they prepared to go to war against the sons of darkness: *tehilim* is the term used by

the Great Psalms Scroll in referring to David's composition of 3,600 psalms (11Q5 27:4). There are numerous biblical psalms that could have been adopted as the rally cry of an eschatological war (e.g. Ps 27:3).

Conclusions

By the end of the first or second century of the common era the books of the Writings were included in a canon that was substantially defined, even if not finally closed. This canon was the canon of the Pharisaic sect, whose members constituted the majority of those who re-founded Judaism after the destruction of the Temple. The Rabbinic canon was not the official canon of the Jerusalem Temple and the priesthood did not prescribe which books are to be included on a list. Rather the canon grew from the "bottom-up" as each Jewish community conceived its own understanding of the collection of authoritative scriptures. The emergence of the Pharisaic canon to become the canon of Rabbinic Judaism was historically contingent.

The books traditionally assigned to the canonical division of the Writings followed the arrangement of Baba Bathra which was not unique. There were various orders of the books in the earliest lists and it is possible that they were arranged according to certain principles, but there was no basic order, at least in the Hellenistic-Roman period.

Suggested Readings

A good place to study the topics covered in this chapter is my *The Formation of the Jewish Canon*. It offers offers critical reviews of scholarly opinion, but also addresses numerous issues related to definition, method and history. It proposes the theory of the majority canon advocated in the chapter. I have also referred to previous publications of mine that take up the various points in greater detail. A recent collected volume of essays edited by Julius Steinberg and Timothy Stone, *The Shape of the Writings*, offers useful discussions of various subjects related to the books of the Writings. The introductory survey article presents the views of the two editors that have the most relevance to this chapter on the Hellenistic-Roman period.

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